

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KAAI J. WILLIAMS, JR.,

Petitioner,

v.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS,

Respondent.

Case No. C06-5715 RBL/KLS

ORDER TO SHOW CAUSE

This habeas corpus petition has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On January 29, 2007, Petitioner was ordered to amend his habeas corpus petition to correctly name the Respondent. (Dkt. # 3). Petitioner was advised that 28 U.S.C. § 2243 requires that writs are to be directed “to the person having custody of the person detained,” typically the superintendent of the facility in which the Petitioner is incarcerated. Petitioner was further advised that failure to name the Petitioner's custodian deprives federal courts of personal jurisdiction. *Stanley v. California*

ORDER

1 *Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994). Petitioner was given until March 2, 2007 to file
2 an amended petition or a motion to change the case caption. Petitioner filed an amended petition on
3 February 23, 2007, naming Sandra Carter, John Aldana, Les Schneider, Robert O'Neil K. Grubb,
4 Steven Blakeman, Sandy Dimmel, Norman Bright, and Nancy Winters as Defendants. The amended
5 petition did not comply with 28 U.S.C. § 2243. Petitioner was given until April 27, 2007 to file an
6 amended petition and was told to name only the person having custody over him – the immediate
7 custodian is generally the warden of the prison. (Dkt. # 5). Petitioner filed an amended petition,
8 naming the Department of Corrections and Sandra Carter. Sandra Carter is not the current warden
9 of Clallam Bay Corrections Center.

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11 Accordingly, it is **ORDERED**:

12 1. Petitioner shall show cause why his petition for writ of habeas corpus should not be
13 dismissed for failure to name a proper respondent. A response is due by **June 15, 2007**. If
14 Petitioner fails to file a response or the response shows the Petitioner cannot go forward the court
15 will enter a report and recommendation that the petition be dismissed.

16 2. The Court Clerk is directed to send a copy of this Order to Petitioner and to note this
17 matter for the court's **June 15, 2007** calendar.

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19 DATED this 11th day of May, 2007.

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23 Karen L. Strombom
24 United States Magistrate Judge

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28 ORDER